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10/600,456

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Toshihiro Ueno

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12/11/2007

NIXON & VANDERHYE, PC

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ARLINGTON, VA 22203

EXAMINER

WYSZYNSKI, AUBREY H

ART UNIT

PAPER NUMBER

2134

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/600,456

Applicant(s)

UENO, TOSHIHIRO

Examiner

Aubrey H. Wyszynski

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-9 and 11-21 is/are rejected.
- 7) ☒ Claim(s) 10 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The response of 4/9/07 was received and considered.
2. Claims 1-6 are canceled. Claims 7-21 are pending.

Response to Arguments

3. Applicant's arguments with respect to claims 7-21 have been considered but are moot in view of the new ground(s) of rejection.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Function restriction release method for an image processing apparatus.

Claim Objections

5. Claim 21 is objected to because of the following informalities: Claim 21 refers to "The system of claim 20" however claim 20 is directed towards a host device. Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakai et al. U.S. Pub No. 2001/0034713 and further in view of Takaba et al. U.S. Pub No. 2001/00226717.

Regarding claim 7, Nakai discloses a method of releasing a restricted functionality of an electronic appliance, comprising:

(1) executing, on one or more host devices/managing device (fig. 1, #12), connected to said electronic appliance/image processing device (fig. 1, #11), a functionality restriction release program to release the restricted functionality of said electronic appliance (releasing key operation that renders the additional operation implementable ¶[0008]).

Nakai lacks or does not expressly disclose executing a restriction release *program*.

However, Takaba disclose executing a restriction release program (¶[0321], executing a program relating to releasing of the restriction for photographing).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Nakai with the method of Takaba to execute a restriction release program in order to execute a program that is customized and incorporated in advance to release the restriction for photographing, as taught by Takaba ¶[0321].

Nakai further discloses (2) communicating, between said one or more host devices and said electronic appliance, information relating to the release of the restricted functionality of said electronic appliance; and as a result of acts (1) and (2), (3) releasing the restricted functionality of said electronic appliance (fig. 4, #S4, the managed device releasing the releasing key (or executing the restriction release program as modified by Takaba) to the image processing device which allows the sub program to be accessible).

Regarding claim 8, Nakai in view of Takaba further discloses identifying one or more of said host devices/managing device (fig. 1, #12); and wherein said restricted functionality of said electronic appliance/image processing device (fig. 1, #11), is released so that said restricted functionality may be used by only one of said one or more host devices (§[0074]).

Regarding claim 9, Nakai in view of Takaba further discloses the host determining the status of said restricted functionality; and enabling a driver on said one or more host devices to control said released functionality on said electronic appliance (Takaba §[0321]).

Regarding claim 11, Nakai in view of Takaba further discloses the method of claim 7 for releasing a restricted functionality of an electronic appliance, wherein said functionality

may be used by said host device connected to said electronic appliance ([¶0074] and ¶[0057-0058]).

Regarding claim 12, Nakai in view of Takaba further discloses the method of claim 11, further comprising releasing, as a result of said communicating act, the restricted functionality of said electronic appliance so that said functionality may be used by multiple host devices connected to said electronic appliance (fig. 6 and ¶[0071]).

Regarding claim 13, Nakai in view of Takaba further discloses the method of claim 7, further comprising installing the functionality restriction release program stored on recording media and executing the functionality restriction release program upon installation for automatically releasing the restricted functionality of said electronic appliance (Takaba, ¶[0321]).

Regarding claims 14-15, Nakai as modified by Takaba discloses an electronic appliance having one or more restricted functionalities, wherein said electronic appliance is configured to receive information relating to the release of said one or more restricted functionalities from one or more host devices configured to execute a functionality restriction release program to release a restricted functionality of said electronic appliance, comprising:

a controller/control (fig. 7, #22) configured to cause, based on at least a portion of said information relating to the release of a said one or more restricted functionalities, the

release of said one or more restricted functionalities (§[0074], The control section 22 decodes the production number encoded from the releasing key that has received, ... and makes the sub program P20 for additional functions accessible).

Regarding claim 16, Nakai in view of Takaba further discloses the electronic appliance of claim 14, further comprising storage for information associated with said one or more host devices from which at least a portion of said information relating to the release of said one or more restricted functionalities was sent (fig. 5, information management table).

As per claims 17-18, this is a system version of the claimed method discussed above in claim 1 wherein all claimed limitations have also been addressed and/or cited as set forth above.

Regarding claim 19, Nakai discloses a method of releasing a restricted functionality of one or more electronic appliances connected to a host device configured to execute a functionality restriction release program to release said restricted functionality, comprising:

receiving at the host device/managing device (fig. 1, #12) information from a first electronic appliance/image processing device (fig. 1, #11) regarding a restricted functionality of said first electronic appliance; and

determining, based on said information from said first electronic appliance, whether said restricted functionality of said first electronic appliance has been released so that said functionality may be used by said host device ([¶0074] and ¶[0057-0058]).

As per claim 20-21, this is a device version of the claimed method discussed above in claim 1 wherein all claimed limitations have also been addressed and/or cited as set forth above.

Allowable Subject Matter

8. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. US 5,901,228 to Crawford
- b. US 2003/0028786 to Mustafa.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aubrey H. Wyszynski whose telephone number is (571)272-8155. The examiner can normally be reached on Monday - Thursday, and alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 5712723811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


KAMBIZ ZAND
SUPERVISORY PATENT EXAMINER

AHW